

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re Petition of

UNIÓN FENOSA GAS, S.A.

For an Order to Take Discovery from The Bank of New York Mellon Corporation Pursuant to 28 U.S.C. § 1782 In Aid of a Foreign Proceeding

Civil Action No. 1:20-mc-00171-PKC

Second Declaration of Charlene C. Sun in Support of *Ex Parte* Petition for Assistance in Aid of Foreign Proceeding Pursuant to 28 U.S.C. § 1782

I, Charlene C. Sun, declare as follows:

1. I am Counsel at the law firm of King & Spalding LLP, counsel for Petitioner Unión Fenosa Gas, S.A. (“UFG”) in the above-captioned matter. I submitted a prior declaration in support of UFG’s petition for an Order to Take Discovery from The Bank of New York Mellon Company Pursuant to 28 U.S.C. § 1782 (Dkt. No. 3), and am now submitting a second declaration in support of that petition. The facts set forth herein are personally known to me, and, if called as a witness, I could and would testify competently thereto.

2. As discussed in my prior declaration dated March 26, 2020, UFG and Egypt executed a series of agreements for the purpose of settling Egypt’s liabilities arising under the ICSID Award on February 27, 2020. The effectiveness of the settlement was subject to the parties achieving a number of conditions precedent, including security and guarantees from Egypt, as well as approvals from third parties. Dkt. No. 3 ¶ 7. The first set of conditions was originally set to be achieved by March 20, 2020, but the parties agreed to extend that deadline to April 20, 2020. However, the first set of conditions were not met by that date, and the settlement agreement accordingly failed.


3. A true and correct copy of a press release issued by EGAS dated April 25, 2020 and its accompanying translation are attached hereto as **Exhibit A**.

4. A true and correct copy of an article published by the Global Arbitration Review on April 27, 2020 concerning the failure of the settlement is attached hereto as **Exhibit B**.

5. Additionally, on April 30, 2020 outside counsel for BNY Mellon served responses and objections to the subpoenas by email to UFG's counsel. A true and correct copy of these objections is attached hereto as **Exhibit C**.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 13, 2020.



Charlene C. Sun